Rejections Under 35 USC § 102

Claims 1 - 8 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Klein, et al. The Examiner states that Klein, et al. shows an apparatus having a second pulse laser beam (16) coaxial with the first pulse laser beam (36) to generate and detect ultrasonics at a surface of a remote target. Applicant respectfully submits that the second pulses laser beam (16) is applied to a surface opposite that of surface (40) upon which ultrasonic surface displacements are detected. Applicant respectfully submits that laser beam (16) and laser beam (36) are not applied coaxially to the same surface upon which ultrasonic surface displacements are generated and detected from. As shown in FIG. 1, ultrasonic displacements generated by laser beam (16) or transducer (22) are not necessarily generated on surface (40) of object (18) but rather another surface of object (18). In fact, as shown here, laser beam (36) is applied to surface (40) of object (18), while laser beam (16) or transducer (22) is applied to a second unnumbered surface of object (18) wherein the generation of the ultrasonic displacements by laser beam (16) or transducer (22) is not coaxial with laser beam (36). Therefore, applicant respectfully submits that the present invention can be clearly distinguished from that of Klein, et al. in that Klien fails to teach of the remote target. Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. § 102(a) be withdrawn and allow claims 1 – 8.

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed June 2, 2004. Applicant respectfully requests reconsideration and favorable action in this case.

REMARKS

The Examiner states that Claims 1 - 8 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 - 5 of U.S. Patent No. 6,657,733. Claims 4 - 8 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 15 - 18 of U.S. Patent No. 6,122,060.

The Examiner further states that Claims 9 - 19 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 - 14 of U.S. Patent No. 6,633,384 in view of Heon, et al.

Applicant respectfully traverses the Examiner's assertion under the judicially created doctrine of obviousness-type double patenting. Applicant respectfully submits a timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c) is provided to overcome the rejection based on non-statutory double patenting as Patents No. 6,657,733, 6,122,060, and 6,633,384 are commonly assigned to Lockheed Martin.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-19.

While Applicants believe no fee is due with this transmission, if any fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-2240 of Koestner Bertani.

Respectfully submitted,

By: _____

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Dated: September 2, 2004

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